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# A SOUTHERN AFRICAN DEVELOPMENT COMMUNITY PARLIAMENT? CHALLENGES AND OPPORTUNITIES FOR REGIONALISATION

## BY

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# DECLARATION

I, **Mzolisi Colbert Fukula**, declare that the work presented in this dissertation is original. It has never been presented to any other University or institution. Where other people's works have been used, references have been provided, and in some cases, quotations made. It is in this regard that I declare this work as originally mine.

**Signed………………………………………….**

**Date………………………………………….**

# ABSTRACT

In 2020, the Southern African Development Community (SADC) celebrated forty years of existence. It started as the Southern African Development Coordination Conference (SADCC) in April 1980, which later became the SADC in 1992. Notwithstanding this milestone, as a regional economic community, SADC remains the only such a community in Africa without a regional Parliament. Although the SADC-Parliamentary Forum (PF) does exist as an institution approved by the SADC in 1997 in terms of article 9 (2) of the SADC Treaty, it cannot be regarded as a bona fide regional parliament of SADC because its transformation into a SADC Parliament is yet to be realised. SADC Parliamentary Forum (PF) exists and functions at this stage only as an independent association of parliamentarians.

This research sought to address the primary question: what are the opportunities that a regional parliament inherently provides for a regional economic community like SADC in strengthening and supporting its regionalisation project? This question was premised on the preliminary assumption that the establishment of a regional parliament brings with it inherent institutionalised benefits and efficiencies for a regionalisation project of an economic community like SADC.

Theoretically, this study is set against the backdrop of Africa's broader vision of the promotion of economic integration as a precondition for the continent's realisation of its envisioned goal of self-reliance and self-sustained development. The study is specifically presented in the broader context of the phenomenon of regional parliamentarisation in Africa, which is deemed an integral component of the continent's efforts of fostering socio-economic integration, democratic governance and political globalisation. The study's theoretical framework is predicated on three dominant intuitionalist approaches, namely, international democracy approach, rational choice approach, and pan Africanism approach.

The study has, in essence, found and confirmed the preliminary assumption that there are indeed inherent institutionalised benefits and efficiencies that are attached to regional parliaments, among which, is their institutionalised potential to help, through an oversight function, in enhancing monitoring and implementation of regional activities and decisions, and removing trade barriers. Also found in this study is the regional parliaments' potential to act as

key agents in fostering and nurturing intraregional communication, consequently, contributing to building shared regional identity, and consequently building and entrenching the continental identity that pan Africanist ideologue envisages. Also found in this study, is that SADC as the only regional economic community in Africa that does not have a regional parliament, is currently not able to enjoy the institutionalised benefits and efficiencies that accrue from having a regional parliament and this is clearly manifest in the kind of implementation and coordination challenges it is currently faced with.

Keywords: regionalisation; parliamentarisation; regional economic communities (RECs); and SADC

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# LIST OF ACRONYMS

**AU**                African Union

**CONSAS**         Constellation of Southern African States

**ECCAS**          Economic Community of Central African States

**ECOWAS**        Economic Community of West African States

**ECOWAS-P**      Economic Community of West African States Parliament

**EAC**             East African Community

**EALA**            East African Legislative Assembly

**IGAD**            Intergovernmental Authority on Development

**NEPAD**          New Partnership for Africa's Development

**OAU**             Organisation of African Unity

**RECs**            Regional Economic Communities

**SADC**            Southern African Development Community

**SADCC**          Southern African Development Coordination Conference

**SADC-PF**        Southern African Development Community –Parliamentary Forum

**UEMOA**          West African Economic and Monetary Union

# CHAPTER ONE

# BACKGROUND TO THE STUDY

## INTRODUCTION

Regional parliamentarisation in Africa is deemed an integral component of the continent's efforts of fostering socio-economic integration, democratic governance and political globalisation (Ogiyiumba, 2015:554; Nywosu, 2018:09 & Jancic, 2014:03). Driven, essentially, by the ideas of pan Africanism and democratisation, Africa's regional parliamentarisation is chiefly meant to introduce checks and balances to the regionalisation process, the benefits of which, would ultimately strengthen and expedite economic integration and development, as well as encourage good governance, transparency and accountability (Ogiyiumba, 2015:554). Ideally, this is to be achieved through regional parliaments assuming the role of legislative and democratic oversight functions of the regional economic communities that make up the African continent (Terlinden, 2004:01). They serve as key institutionalised instruments of oversight over policy making, thus undoing imbalances given rise to by the executive dominance (Jancic, 2019:206 & Franklin De Vrieze, 2015:08).

Africa boasts a rich tapestry of regional economic communities (RECs) having their own regional parliaments. To date, the continent's established regional parliaments are Economic Community of West African States Parliament (ECOWAS-Parliamentary Forum) formed in March 2000; East African Legislative Assembly (EALA) of EAC in 2001; Inter-Parliamentary Union of Intergovernmental Authority on Development (IPU-IGAD) in 2004; Network of Parliamentarians of the Economic Community of Central African States (ECCAS) in 2002; and Parliament of UEMOA in 2003 (Ogbonnaya & Ogujiuba, 2015:554).

The ECOWAS Parliamentary Forum membership base is Benin, Burkina Faso, Cabo Verde, Cote d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo (ECOWAS, 2021). Constituting the IPU-IGAD membership are Djibouti, Ethiopia, Kenya, Somalia, Sudan, Uganda, Eritrea and South Sudan (IGAD, 2021). Republics of Burundi, Kenya, Rwanda, South Sudan, the United Republic of Tanzania and the Republic of Uganda make up the membership for EALA (EALA, 2021). While the Network of Parliamentarians of the Economic Community of Central African States membership is

composed of Angola, Burundi, Cameroon, Central African Republic, Chad, Democratic Republic of Congo, Equatorial Guinea, Gabon, Republic of the Congo, São Tomé and Príncipe ECCAS, 2021)

SADC remains the only such a community in Africa without a regional Parliament. Although the SADC Parliamentary Forum (PF) does exist as an institution approved by the SADC in 1997 in terms of article 9 (2) of the SADC Treaty, it cannot be regarded as a bona fide regional parliament because its transformation into a SADC Parliament is yet to be realised (Jancic:2019: 207). SADC Parliamentary Forum (PF) exists and functions at this stage only as an independent association of parliamentarians (Jancic:2019: 207).

## 1.1 Research question and demarcation of the research problem

The primary question that this study will address is framed as follows: What are the opportunities that a regional parliament inherently provides for an economic community like SADC in strengthening and supporting its regionalisation project? Conversely, what practical challenges that SADC is currently experiencing can be argued to be attributable to the absence of a regional parliament?

The preliminary research assumption is that establishment of a regional parliament comes with inherent benefits for a regionalisation project of an economic community like SADC and conversely, that the SADC's delays in convening its own regional parliament could have constrained its institutional and policy ability to establish the necessary checks and balances, because the SADC policy implementers are both policy formulators and implementers. There is currently no mechanism in place to oversee them and hold them accountable for their choices, actions and decisions, the consequence of which is the reported persistent failures by SADC member states to implement agreed policies and to honour the commitments they make at the regional level.

I posit that the establishment of SADC-PF represents parliamentary diplomacy and that is to be treated as not being synonymous to a regional parliament. SADC-PF thus falls short of affording the SADC the kind of opportunities and benefits inherent in a regional parliament.

## 1.2 Literature overview

This overview is divided into three sections, i.e. a historical overview of regionalism in Africa; challenges faced by established regional parliaments; and calls for greater parliamentary involvement in regional economic communities.

The theoretical and conceptual framework will be covered in Chapter 2 of the study.

### 1.2.1 Historical overview of regionalism in Africa

Generally, research on regionalism is wide and complicated. It is dominated by scholarly references to the Western or Eurocentric concept of regional integration modelled around the European Union (EU) integration project, to the peripheralisation of the African regional integration (Borzel, 2016:2). This is despite the fact that African regionalism or integration chronologically precedes the eras of European colonialism and European integration (Aniche, 2017:1). Historically, Africa boasts a long tradition of regional integration schemes, which rank among the oldest in the development world (Aniche, 2017:1).

The available scholarly literature on regional integration is thus erroneous in only differentiating between regional economic integration initiatives in Africa that started during the colonial period and those that began during the post-colonial era. Geda and Kibret (2002:2) trace the colonial era regional economic integration efforts back to the early 1900s with the establishment in 1910 of the South African Customs Union and the East African Community in 1919. Aniche (2017:5) maps out at least three significant phases that African integration has historically undergone, 1. Era of Islamisation or Arab colonialism; 2. Era of Diaspora pan Africanism or traditional pan Africanism; and 3. Eras of European colonialism; and modern pan Africanism.

The roots of the post-colonial era's regional economic integration initiatives in Africa are, according to scholars like Sako (2006:3) and Khadiagala (2013:375), attributed to the dominant influence of the pan-Africanist ideals in the late 1950s and 1960s and the establishment of the Organization of African Unity (OAU) in 1963. According to Sako (2006:1–2), regional economic integration was seen by the newly liberated African countries as a critical platform

for asserting their collective interests in the purview of global market and international economic relations. Regional economic integration was also deemed an important safeguard of the liberties secured when African countries gained their independence and the means by which the continent could rid itself of the impact of the legacy of colonialism manifested in external exploitation and domination (Sako, 2006:1–2).

The pan-Africanist ideals were championed by, among others, a handful of prominent intellectuals and heads of state such as Kwame Nkrumah of Ghana, Julius Nyerere of Kenya, Sékou Touré of Guinea and Kenneth Kaunda of Zambia (SAHO, 2020). The group emphasized the point that African countries should give precedence to establishing close economic ties to advance the agenda of growth and development over the folly of perpetuating the colonial legacy of fragmentation if Africa were to effectively compete with the rest of the world (Khadiagala, 2013:377).

The formation in 1963 of the OAU served to establish an overarching political structure for the promotion of the pan-African ideals of self-reliance and continental unity, with subregions becoming the critical locus for experiments of regional economic integration (Khadiagala 2013:377). The 25 May 1963 OAU Charter stipulated, among others, the promotion of liberation of Africa and rejection of colonialism, neo-colonialism and armed interventions to resolve disputes. It also envisioned an Africa that promoted collective tackling and searching for solutions to African economic, social and other problems, and aimed for self-sufficiency (Nanjira, 2010:255).

The 1979 Monrovia Declaration Strategy for the economic development of Africa and specifically the commitment on the guidelines and measures for national and collective self-reliance in the economic and social development for the establishment of a new international order, represent another key and significant milestone in the regional integration project in Africa (Asuk, 2011; & Tandon, 2016). It set out to achieve, among others, sub-regional and regional collective self-reliance in order to end external dependence, the implementation details of which were to be thrashed in the 1980 Lagos Plan of Action (Adedeji, 1991; Asuk, 2011). Daniels and Nagar (2014:9) point out that the 1980 Lagos Plan of Action gave substance to and further promoted the continent-wide regional economic integration, serving as a vital

blueprint for establishing the RECs in Africa, and consequently the Continental Economic Community.

The 1991 Abuja Treaty is seen as the start of the second wave of regional economic integration in Africa. It sets out Africa's broader vision in terms of continental economic integration (Abuja Treaty, 1991:8). The vision originated in the formative years of the OAU and the agenda outlined in the 1980 Lagos Plan of Action (UNECA, 2019:01). The 1980 Lagos Plan of Action stresses the significance of regional integration as a driver of socio-economic development in Africa (OAU, 1980).

The Abuja Treaty reiterates the integration of African economies as a fundamental precondition for Africa's realisation of its envisioned goal of self-reliance and self-sustained development (Abuja Treaty, 1991:8). The Treaty calls for the promotion of economic integration as a way of encouraging economic self-reliance (Abuja Treaty, 1991:9). The regional economic integration communities are therefore regarded as essential building blocks (Abuja Treaty, 1991:10). The Treaty further sets out a five-year short-term goal of establishing and strengthening RECs, and the long-term Year 2025 goal of gradually establishing an integration project of a continental Africa Economic Community (Abuja Treaty, 1991:10).

The recommendations of the Abuja Treaty include the establishment of the African Continental Free Trade Area (AFCFTA) by 2017 and integration into a single customs union, with a common currency, central bank, and parliament by 2028 (GSDPP, 2017:6). The Treaty further envisions attaining continental economic integration by introducing a single continental trade area with specific investment areas and removing tariffs and obstacles to the flow of goods, services, capital and people (GSDPP, 2017:6).

Not only are the RECs serving as key building blocks for economic integration in Africa, but they have also proven to be quite instrumental in building peace and stability in their regions (UN, 2020). They are also playing a key role in various continental programmes such as the New Partnership for Africa's Development (NEPAD), and the AU's Agenda 2063 and its First Ten-Year Implementation Plan (UN, 2020).

The regional economic integration project in Africa is still regarded as largely a government-driven project, with rarely any popular participation by Africa's citizens and other non-state

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actors (Aniwa, 2008:71; Karuuombe, 2008:1). The RECs are still seen as platforms through which the executive still demonstrates its national dominance; it is still defining and deciding the integration agenda and driving its implementation with scant involvement of other non-state stakeholders, including regional parliaments (Karuuombe, 2008:1).

The dominance of subregional and continental bodies by heads of state has often cast aspersions on the executive authority of these bodies, sometimes leading to a scenario where preoccupation with national interests triumphing over the strengthening of regional institutions (Daniels and Nagar, 2014:9–10). Some heads of states are further accused of being reluctant to cede their respective national sovereignties to subregional and continental bodies (Daniels & Nagar, 2014:9). Their preoccupation with their domestic interests is also said to be setting back the regional integration project (Daniels & Nagar, 2014:9).

Heads of state are also criticised for not putting in place clear-cut mechanisms in their national governments for ensuring the proper alignment of national policies with regional integration frameworks (Daniels and Nagar, 2014:9).

Regional integration is further constrained by the seemingly stubborn challenge of the overlapping memberships of African states (Aniwa, 2008:71). Overlapping memberships are seen as a major hindrance to the implementation of regional integration schemes in Africa, leading to limited trade benefits from regional agreements (Sabena: 89).

Salih (2013) further refers to the existence of a tension between the political and economic objectives of regional integration, due to "lofty political ideals in an economic reality". The tension undermines the capacity of regional parliaments to deliver on their objectives. He cites a lack of legislative power by regional parliaments as another constraint that undermines their role in regional integration (Salih, 2013).

### 1.2.2 Historical overview of regional parliamentarisation in Africa

The phenomenon of regional parliamentarisation in Africa emerged against the backdrop characterised by challenges besetting the post-colonial African states and the democratic resurgence of the 1990s characterised by calls clamouring democratic governance, in part, due

to the conditions set by the foreign donors (Salih, 2013:152; Costa, Dri and Stavridis: 2013; Terlinden, 2004:2; and Karuuombe, 2008:3). Key historical pan Africanist-oriented landmarks and actions that have given impetus to regional parliamentarisation can be traced to, among others, the workings of the OAU, the adoption of the 1980 Lagos Plan of Action, the 1991 Abuja Treaty, 2001 New Partnership for Africa's Development, the introduction of the African Peer Review Mechanism and the March 2004 establishment of the Pan African Parliament (Sabic, 2019:203).

Notwithstanding the fact that the OAU did not formally anticipate any role for regional parliamentary institutions nor that it had a legislative function, the 15 treaties that it boasted during its existence, do point to some kind of elementary law-making function by the organisation (Sabic, 2019:204).

The 1980 Lagos Plan of Action's mandating of OAU member countries to formulate national development plans to effect legislative change to address poverty and ensure food security is also seen as another early attempt at some form of pan Africanist regional parliamentarisation (Sabic, 2019:203). This is so despite the Plan's reported failure to specifically direct the establishment of any regional legislative bodies (Sabic, 2019:203).

The adoption of the 1991 Abuja Treaty was seen as ground-breaking for the pan Africanist regional parliamentarisation. Apart from advocating for accountability in development, economic fairness and parity, and deepening of public participation in development programmes, it importantly did also clearly pronounce on the establishment of the Pan African Parliament, undoubtedly, a major leap forward for regional parliamentarisation in Africa (Sabic, 2019:205).

The adoption of the 2001 New Partnership for Africa's Development (NEPAD) and specifically its inclusion of a Declaration on Democracy, Political, Economic and Cooperative Governance in 2002, is credited for having tangibly elevated democracy and good governance at the heart of Africa's regional integration efforts. This, together with the introduction of the African Peer Review Mechanism, gave strong impetus to Africa's regional parliamentarisation drive (Sabic, 2019:205). Sabic (2019:206) singles out the establishment of the Pan African Parliament in March 2004 as perhaps the strongest symbolic reaction of Africa to the liberal

democratic reforms across Africa post-1990s. Article 3 (3) of the Treaty Establishing the Establishing the African Economic Community Relating to the Pan African Parliament presumes the existence of regional parliaments , which together with their regional economic communities to which they are attached, are the object of the Pan African Parliament's mandated cooperation vision (Leibrandt-Loxton, 2021).

Thus, regional parliaments in Africa are a particular consequence of a, "special set of politico-historical and socio-economic circumstances that are shaped by the post-colonial pursuit of a collective pan African identity, the assertion of sovereignty and the recurring problems of maintaining peace and eliminating poverty" (Sabic, 2019:203). They share similar objectives as the Pan African Parliament, which are the promotion of the principles of human rights and democracy, encouraging good governance, transparency and accountability in member states with the objectives and policies aimed at regional integration within the framework of the establishment of the African Union (Salih, 2013:152). They carry the expectation inherent in all parliaments, which is to fulfil the functions of representation, deliberation, legislation and authorising revenue and expenditure, making and unmaking government, scrutiny, political recruitment and socialisation to democratic norms (Salih, 2013:153).

Regional parliaments may add value to regional economic communities in at least five ways, as discussed below.

The first value of regional parliaments is derivable from their inherent institutional role and function as a representation of people and their interests which serve as the basis of all parliamentary systems. They serve as a forum for the articulation of public opinion, a "transmission mechanism for feedback to the executive on public policy and a means by which governments can explain and communicate their actions" (UNDP, 2012.13). They remain the only bodies that exist specifically to collate and articulate the public interest as a whole and execute strategic roles that they alone can perform, such as making and repealing laws and calling governments to account (UNDP, 2012.13). While they vary in terms of their power, influence and function, their existence in a form of a public forum with the ultimate aim of articulating public concerns is considered a prerequisite for the legitimacy of governments (UNDP, 2012.5).

Regional parliaments are valuable, institutionally, as an embodiment of participatory democracy and carrier of the primary mandate of representing the voice of the people, law-making, and overseeing the work of the executive (Karuuombe, 2008:4). Consequently, the value of their role within the regional integration context is predicated on their institutional ability to ensure inclusivity of the regional integration process thereby facilitating positive implementation and monitoring results, that are informed by regular feedback to and from their constituencies on the impact of such a process (Karuuombe, 2008:4).

As institutional embodiments of participatory democracy and carrier of the primary mandate of representing the voice of the people, regional parliaments are also credited for their institutional ability to reduce democratic deficit of regional governance (Sabic, 2019 & Kraft-Kasack, 2008). They produce what Jancic (2014:03) calls "negotiated democracy", out of which, various governments or states are made to accent to common rules of interface. Regional parliaments thus have an inherent democratic legitimizing ability and accord transparency to the regional integration process and are critical stimulants in facilitating public debate and development of shared norms and values (Sabic, 2019).

Secondly, as institutionalised instruments of oversight, regional parliaments enhance monitoring and implementation of regional activities and decisions (Jancic, 2019:206). They serve as key institutionalised instruments of oversight over policy making, thus undoing imbalances given rise to by the executive dominance (Jancic, 2019:206). Regional parliaments are thus critical cogs for good governance (Nywosu, 2018:09 & Jancic, 2014:03).

Thirdly, regional parliaments may promote legislative harmonisation and human rights. Regional parliaments are, politically, pacesetters who play a critical role in promoting constitutionalism (Nwosu, 2018:09). They are able to oversee governments to ensure that they honour their obligations on aid and aid policies and to ensure that aid is being used effectively to realise the Millennium Development Goals (Beetham, 2006:161). They also are able to play a critical role in advancing the agenda of gender equality, serving as guardians of human rights, and contributing to conflict resolution in society through dialogue Beetham (2006:148–61).

Regional parliaments are also conspicuous for their common trait of seeking to effect greater integration and facilitate broader legislative coordination among regional members (Beetham,

2006:176). Their integration agenda does not only give effect to cooperation among states but also harmonises "the body of law of the regions where they are found" (Nwosu, 2018:09).

Fourthly, regional parliaments may contribute to the building of a shared regional identity. Notwithstanding the reported executive dominance over regional parliaments and the criticism levelled at the latter's institutional challenges, particularly within the context of Africa's regional integration project, the value of regional parliaments still cannot be overstated, according to several scholars. They are essentially significant to the success of the regional integration project. They foster and nurture intraregional communication, consequently, contributing to building shared regional identity (Jancic, 2019:227). They are effective in monitoring of regional implementation and international instruments, coupled to their ability to interface and directly communicate with communities (Karuuombe, 2008:4). And this holds a great potential to enhance regional integration (Karuuombe, 2008:4). They do not contradict domestic parliaments but coexist with them in a complementary manner (Beetham, 2006).

### 1.2.2.1 Challenges faced by established regional parliaments in the context of the regional economic communities

African regional parliaments are encumbered by a broad mandate scope and undermined by their subordinate position in relation to the executive (Salih, 2013). The executive dominance has an adverse effect on their capacity to become effective institutional mechanisms for regional integration based on democratic principles (Salih, 2013).

African regional parliaments according to Salih (2013) also have to bear with the following challenges:

1) Integration of extremely diverse ethnic, linguistic and religious groupings;
2) Electoral violence and unbecoming conduct by heads of state with political ambitions to become life presidents;
3) Inadequate resourcing and capacitation of parliaments to effectively respond to the plethora of challenges they are expected to address; and
4) Regional institutions that are expected account to governments dominated by their heads of state.

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Despite the body of work featured in the overview, the subject of SADC regional parliament barely features in the literature, largely because SADC, historically, and, to date, is yet to have its regional parliament. This study is thus aimed at modestly making a contribution towards building a credible scholarly body of literature on the subject of SADC regional parliament.

**1.3 Methodology**

The timeline of this study covers the period since the establishment of Southern African Development Coordination Conference (SADCC) in 1980 before it morphed into SADC in 1992, to date. The southern African region is thus the unit of analysis. The scrutiny covers the SADC's strategic objectives and plans to achieve regionalisation objectives. It also includes identifying the actors that are active and involved in the regionalisation agenda. This is done through the prism of the emerging scholarly debates on the traditional versus the new concepts of regionalism, and the growing calls for a widening of access to institutional regional governance mechanisms to include non-state actors. It takes into account the August 1992 Windhoek SADC Declaration committing it to involving other non-state actors as pivotal agents in defining the "content, form and direction" of regional integration in southern Africa. The objectives of the formation of the SADC-PF are also analysed to understand the Forum's relationship with the SADC and the kind of role it has been playing to date in the regionalisation efforts in the southern African region. This is done with a deliberate view to demonstrate that notwithstanding the role it has played so far; SADC-FS is not a regional parliament but rather an institutional manifestation of parliamentary diplomacy.

SADC's general performance challenges since 1992 are also scrutinised alongside its regionalisation objectives, through the prism of an absent regional parliament, with a view to show the extent to which SADC could be missing out on the inherent benefits associated with regional parliaments.

This study is conceptually limited to regionalism, region, regionalisation and regional parliaments. The scrutiny is on what scholarship says about the driving ideas behind a regional parliament as a concept and its inherent benefits and extent to which such benefits could specifically assist SADC in its regionalisation project

This study is conducted through a qualitative research methodology, using not a deductive but an inductive content analysis. The inductive content analysis is defined and guided by the primary and secondary research questions. Inferences will be drawn based on the data collected on the factors that have caused the delays in convening the SADC's regional parliament and their implications for the SADC's regionalisation objectives. The data is collected using the historical research method, which is a suitable method for studying, understanding and interpreting past occurrences, enabling one to gain insights into the historical accounts of the SADC and its decisions and actions.

A qualitative methodology is deemed appropriate for the research study because of its inherent ability to assist in interpreting and causing to understand the complexities of regional integration in the southern African region and intangible matters such as the attitudes, decisions and actions of the organs tasked with policymaking and oversight responsibilities within the SADC.

The research makes use of various sources of information, both primary and secondary. The primary information is obtained from the SADC's authenticated official documents and publications such as the SADC Treaty, protocols, charters, pacts, declarations, annual reports, strategic plans, Summit and Ministerial Council records, media releases and statements, technical and thematic reports, and memoranda of understanding. These are documents and publications produced and released for public consumption by the SADC. Included in the list are documents and records officially released by the SADC-PF, the AU, PAP, and donor and think-tank organisations into the public domain.

Scholarly journals, academic articles and papers, books, periodicals, professional and academic publications focusing on the issues and concepts central to this study are relied upon as secondary sources of relevant information.

## 1.4. Rationale and significance of the study

As discussed briefly in the literature overview earlier, there is an interesting emerging scholarly literature on regionalism coupled with growing calls for the involvement of non-state actors, such as supranational parliaments in the current state-centric regionalisation efforts. The developments have a direct bearing on regionalism in Africa, broadly, and specifically, the southern African region.

The significance of this study is that upon its completion, it will enrich the current scholarly work on regional parliamentarization and regionalisation in general, and in particular contribute in a limited way to improving the regionalisation efforts within the southern African regional landscape. The study aims to open up scholarly opportunities within the African continent to understand the dynamics defining the interface between regional parliaments and regional economic communities and how the benefits that accrue from regional parliaments could be leveraged to advance the regionalisation objectives.

## 1.5. Structure of the research

The first chapter of this research provided an introduction, the formulation and demarcation of the research problem, and a description of the broader research methodology and its defining elements, coupled with the literature overview and research structure.

Chapter 2 of this research features concepts, such as regionalism, region, regionalisation and regional parliaments. This was done through looking at the existing scholarship and what it says, importantly about the subject of regional parliaments.

Chapter 3 is an overview of the historical evolution of the SADC – its evolution; what it 'says' about having its own regional parliament. It also touched on what had happened up to now in the space of regional parliament, particularly looking at the establishment of the SADC Parliamentary Forum (PF), and advance an argument as to why the latter is not to be regarded as a genuine regional parliament for SADC The argument was buttressed by making references to examples of other regional parliaments with a view to outline what differentiates them from regional assemblies configured in the mould of SADC-PF.

Chapter 4 is devoted to highlighting, theoretically, the potential opportunities inherent in a regional parliament for an economic community like SADC. This was done specifically in the context of regionalisation. This was then juxtaposed with the documented evidence of practical challenges faced by SADC that could be largely attributed to the absence of a regional parliament.

Chapter 5 concludes the study, offering a summary of the findings and reflecting on these in the context of the central research question. Possible areas for further research have been identified and a number of policy recommendations provided for SADC as an organisation.

# CHAPTER TWO

# THEORETICAL AND CONCEPTUAL FRAMEWORK

## INTRODUCTION

This chapter provides a theoretical and conceptual framework that would allow for an in-depth analysis of the argument in the subsequent chapters. In line with the methodological insights provided by authors such as Adom, Hussein and Agyem (2018:438), this framework creates meaning for the study's findings and allows for generalisability.

The literature reviewed (see 1.2) on both the explanation for the evolution of regional parliaments, as well as their definitions is largely underpinned by, broadly, the institutionalist theoretical framework predicated on three dominant approaches, namely, international democracy approach, rational choice approach, and pan Africanism approach. This chapter will thus give an account of the three dominant approaches as constituting its theoretical framework. Making its conceptual framework will be the definition of the four identified terms, 'regionalism', 'region', 'regionalisation and 'regional parliament'.

The theoretical and conceptual framework is thus provided on the assumption that regional integration in Africa is appreciated as an essential precondition not only for the continent broadly but also specifically for the constituent regional economic communities (Salih, 2013:149), and that Africa's regional integration projects are driven by stated articulated goals and aspirations aligned to, in part, the 1991 Abuja Treaty. Further, regional parliaments are considered to be an integral institutional component of Africa's regional integration agenda (Salih, 2013:152-3). Regional parliaments, like the Pan African Parliament, are about the promotion of the principles of human rights and democracy, encouraging good governance, transparency and accountability in member states with the objectives and policies aimed at regional integration (Salih, 2013:152). Lastly, regional parliaments carry the expectation of fulfilling the functions of representation, deliberation, legislation and authorising revenue and expenditure, making and unmaking government, scrutiny, political recruitment and socialisation to democratic norms (Salih, 2013:153).

## 2.1 Theoretical discourse on regional parliaments

As mentioned above, there are three dominant approaches underpinning an institutionalist framework that supports analysis of regional parliamentarianism and regional parliaments. These three approaches are briefly discussed below.

### 2.1.1 International democracy approach

Fundamental to the international democracy approach is a representation by theorists clamouring for the democratisation of the international system, which extends beyond the confines of the scope of equal sovereign states (Cofelice, 2012:5). The defining aspect of the proponents of this approach is the strong suspicion with which they view the inherent democratic credentials of both the national and transnational institutions wherein decisions with direct bearing on citizens are taken without any system of checks and balances (Beetham, 2006; & Cofelice, 2012:5). The absence of a system of democratic control and accountability in these institutions is presumed to automatically culminate to what is called, democratic deficit (Cofelice, 2012:5).

Propping the international democracy approach is the school of thought, that Cofelice (2012:5) refers to as international representative cosmopolitan democracy approach whose main objective is to bridge the gap between domestic and international citizens through, among others, the use of the medium of establishing international and regional parliaments as cosmopolitan democracy tools, empowered to, among others, create legal norms.

### 2.1.2 Rational choice approach

The rational choice, otherwise referred to as the rational utilitarian approach, is premised on the bedrock of the efficiency and cost containment argument with the creation and empowerment of regional parliaments viewed as enablers or catalysts to overcome collective regional challenges prevalent with the regional integration project and its stated objectives (Mumford, 2021:6). The approach evolves out of the assumption of framing regional parliaments as efficient choosers, which make decisions through a careful calculation and examination of different lines of action (Tieku, 2012:12).

Regional parliaments are in terms of this approach seen to be essentially significant to the success of the regional integration project. They are critical cogs for good governance and necessary in assisting regional integration efforts through, among others, and/or facilitation of the removal of trade barriers (Nywosu, 2018:09 & Jancic, 2014:03). They serve as key institutionalised instruments of oversight over policy making, thus undoing imbalances given rise to by the executive dominance (Jancic, 2019:206).

### 2.1.3 Pan Africanist approach

The pan Africanist approach explains the creation and empowerment of regional parliaments in Africa within the context of pan Africanism ideals, which were championed by, among others, a handful of prominent intellectuals and heads of state such as Kwame Nkrumah of Ghana, Julius Nyerere of Kenya, Sékou Touré of Guinea and Kenneth Kaunda of Zambia (SAHO, 2020). According to Khadiagala (2013:375), this group advocated for Africa-inspired approaches to the regional economic integration project in Africa. It highlighted that African countries should give precedence to establishing close economic ties to advance the agenda of growth and development over the folly of perpetuating the colonial legacy of fragmentation if Africa were to effectively compete with the rest of the world (Khadiagala, 2013:377).

Regional parliaments' significance is said to manifest in the extent to which they are able to foster and nurture intraregional communication, consequently, contributing to building shared regional identity (Jancic, 2019:227).

### 2.2. Conceptualisation of key terms

### 2.2.1 Defining a region

Definition of a region has come under sharp focus of various scholars. It is highly contested and has thus witnessed historical evolution of the meaning from its conventional point of view (Keating, 2011; Soderbaum, 2011). The contestation of the definition of 'region' is manifest in at least two broad schools of thought, that is, the conventional school of thought, on one hand; and the constructivist and post-structuralist scholarship, on the other.

Conventionally, region has for long been defined as a system whose members are states that are geographically close and share some degree of interdependence" (Hettne, 2005:544; Nye, 1968: VII). It is often characterised by various territorial configurations at sub-national, macro and/or transnational level, relative to the state being the 'authoritative definer' of territorial scope or boundaries (Keating, 2011:4; Soderbaum, 2011: 2). In this definition, a region is understood as a "part or segment of the world" made of multiple states closely connected to each other, physically, by a thread of interfaces at multiple levels that are distinguished by all actors internally involved in the formation of such a region, including external parties (Schoeman, 2002:02). The interfaces are not, of necessity, understood to be always harmonious as they can also, at different points, exude hostility (Schoeman, 2002:02).

The state-centric definition of a region is criticised by some scholars, especially those associated with the social constructionist school of thought of a region, as inadequate and an underestimation of the role of non-state actors in the formation of a region and regional entities (Väyrynen, 2003:25). These scholars assert that regions are outcomes of a multidimensional global transformation process and thus not natural or fixed, and that they come and go with time (Muntschick, 2012:4; Hettne and Söderbaum, 2000:461). Its defining physical scope is seen as dynamic and redefinable over time and depending on the discipline they are used in (Muntschick, 2012:4; Schoeman, 2002:02). This is, in part, based on presupposition that the social and political forces that transcend the state also contribute to an expanded conception of regions and consequently the notion of regionalism (Hettne and Söderbaum 2000:461).

The social constructivist view of region dissociates it from any 'connection with the state in general or a specific state in particular' (Keating, 2011:4). A region is rather defined more as a socially constructed functional system than a geographical space, heterogeneous in character, without natural boundaries (Keating, 2011:4; Soderbaum, 2011:3). Regions are seen as 'spaces in their own right rather than as either aggregated or sub-divisions of states' (Keating, 2011:4). Page (2001:30) sees a region as an international region, established by some sort of an imperative of 'geographical closeness', that importantly, is not essentially and always determined only by geography.

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While appreciating the rationale behind social constructivist definition of a region, the guiding definition of a region for the purpose of this study will, however, be as conceptualised by Schoeman (2002), that of a region as a part or segment of the world made up of multiple states closely connected to each other, physically, by a thread of interfaces at multiple levels that are distinguished and accepted by all actors internally involved in the formation of such a region, including external parties.

## 2.2.2 Defining Regionalism

The literature read on regionalism reveals a common thread among various scholars such as, among others, Schoeman (2002); Soderbaum (2006); Nzewi (2008) and John Ravenhill (2016) of clearly distinguishing between the terms regionalism per se and regionalisation. There is also a scholarly attempt to differentiate regionalism from regional integration. While the two terms are often used interchangeably, Daniel Sakyi and Eric Opoku (2014:1) contend that they are not necessarily the same thing.

### 2.2.2.1 Old regionalism versus new regionalism

The latest scholarly literature on regionalism further differentiates what is framed as old regionalism from the so-called new regionalism using such differentiation aspects such as timelines, waves, leading actors involved, project focus, scope and theoretical leanings (Sakyi & Opoku, 2014:8). Old regionalism is, in general, framed as the regionalism' first wave, dating back to the pre-1980 period, introverted, state-led, top-down imposed and focussed largely on economic and security alignments, and restricted to a particular geographical sphere (Hettne & Soderbaum, 2000; Sakyi & Opoku, 2014).

New regionalism, on the other hand, is generally viewed as the second wave of regionalism, polylateral in the sense that it involves state and non-state actors, post-1980, global in nature, about interdependence of countries and aligned to neoliberal theoretical orientation (Warleigh-Lack, 2006; Hettne, 1999; Soderbaum & Sbragia, 2010; Sakyi & Opoku, 2014; Breslin & Higgot, 2000; Falk, 1997). There are disputations on whether the first wave of regionalism emerged in the 1950s and stagnated in the 1970s as suggested by scholars like Christopher Mulaudzi (2009:48). As pointed out in the first chapter, Aniche (2018:5) contends that regionalism in Africa dates way back to the twelfth century.

**2.2.2.2 Types of regionalism**

I have also come across framing of regionalism as either 'security regionalism' (Tania Felicio, 2006;16 & Daniel Sakyi and Eric Opoku, 2014:1); 'African regionalism' (Ernest Toochi Aniche, 2018:5); 'economic regionalism' and/or and 'multi-purpose regionalism' (Daniel Sakyi and Eric Opoku, 2014:1). Hurrell (1995a) has come up with five different categorisations of regionalism, viz. regionalization, regional awareness and identity, regional interstate cooperation, state promoted regional integration, and regional cohesion.

There is also a scholarly attempt to identify regionalism according to different modes. Soderbaum (2006:5) identifies three such modes in 'market integration regionalism', 'regime boosting regionalism', and 'shadow regionalisation'. Daniel Sakyi and Eric Opoku (2014:1) identify three different categories of regionalism, namely, security regionalism, economic regionalism and multi-purpose regionalism.

**2.2.2.3 African regionalism**

Attention to African regionalism is particularly noticeable and significant in the scholarship on regionalism. African regionalism is seen as essentially a state-led, top-down political project whose aims are to, among other things, enhance and solidify regional cooperation and integration among African states (Zhai, 2016). Aniche (2017:5) and Ake (1981) frame African regionalism as "an idea of regional integration, as a means or strategies of collective self-reliance for promoting economic integration and cooperation', which predates the colonial era. Pan Africanism is seen as largely the ideological framework that underpins Africa's regionalism project. This however does not downplay the role and influence of the former colonial powers in, to a limited extent, defining and shaping regionalism in Africa, particularly during the period of colonial rule in Africa (Page, 2001:29).

**2.2.2.4 Definitional attempts at regionalism**

Scholars define regionalism differently. There is a host of scholars that define regionalism along the lines of the old regionalism school of thought, as mainly, state-led 'intergovernment collaboration' (Ravenhill, 2016); 'conscious policy' (Wyatt-Walter, 1997:77); 'policy and

project' (Gamble and Payne, 1996a:2); 'action' (Grugel and Hout, 1999:4); or a 'conscious, deliberate, purposive top-down attempt' (Breslin and Hook, 2002:4) that has something to do with a 'particular region' or 'as a type of world order', 'geographical restriction', 'trans-national issues'. This is either responsive to domestic or external pressures or demands, or intentional or purposive formalised activities linked to some forward-looking strategy or objective.

Gamble and Payne (1996a:2) conceptualise regionalism as a "state-led project designed to re-organise a particular regional space along defined economic and political lines". Grugel and Hout (1999:4) view regionalism as a state-led action responsive to domestic and external reforms and pressures; and guided by an objective/s of relatively autonomous states in a particular regional sphere.

According to Wyatt-Walter (1997:77), regionalism is a deliberate policy initiated by states or 'sub-state regions' with an ultimate goal of co-ordinating an agreed upon programme within a regional context. Ravenhill (2016) defines regionalism as either a formal or informal social institution that is a form of intergovernmental collaboration confined to a particular geographically restricted area.

Schoeman (2002:2) says, that to the extent that regionalism denotes space and place, she defines regionalism as, 'an aim or objective with both normative and descriptive connotations'. Normatively, she says, it makes reference to the 'aims, goals and driving forces that underline and determine conscious efforts by the members of a region to increase and/or control various forces of interaction and cooperation (Schoeman (2002:2). Descriptively, she defines it as a 'complex of attitudes, loyalties and ideas which concentrate the minds of peoples upon what they perceive to be their region' (Schoeman (2002:2).

There is then another cluster of scholars whose definition of regionalism is underpinned by the so-called new regionalism school of thought, that embraces the polylateral character of regionalism and the dynamism of the concept of a region (Soderbaum (2016; Väyrynen, 2003; Muntschick, 2012; and Hettne and Söderbaum 2000; Muntschick, 2012:4; & Schoeman, 2002). Soderbaum (2016:4) defines regionalism as, in the main, talking to 'policy and project

around which different stakeholders, both state and non-state, collaborate around a strategy within a particular region or 'as a type of world order'.

For the benefit of this study and within the context of Africa, and specifically the SADC regional community, regionalism will be framed as a state-led, supranational, top-down, African type of a regional project, responsive, to a certain extent, to pan Africanist economic and political regional integration aspiration and globalisation pressures and comprising geographically defined SADC states.

## 2.2.3 Defining regionalisation

Notwithstanding the fact that regionalism and regionalisation are often used interchangeably, there is growing scholarly consensus that the two hold different meanings. Soderbaum (2011), Schoeman (2002); Lorenz (1991) and Ravenhill (2016) concur that a process, rather than a strategy or project, is indeed a defining attribute of regionalisation. Page (2001:28) defines regionalisation as representing, "the active pursuit of a strategy aimed at creating a regional system in a specific area, issue-specific or general, geographically contiguous or not".

Ravenhill (2016) defines regionalisation as a 'process of integration within a given geographical area'. Schoeman (2002:2) concurs and views regionalisation as a political process through which the objective of regional cooperation, is enhanced. She emphasizes the point that this process is, of necessity, not about the promotion of peaceful and collaborative development and interface (Schoeman, 2002:2). Grugel and Hout (1991:10) see regionalisation as a political process of economic integration and the changing structures of production and power.

To the extent that regionalisation is understood as a political process of economic integration within a specific geographical area, initiated with a view of regional cooperation with changing structures of production and power that could result in the emergence of regional actors, networks and organizations, this will be the guiding definition of regionalisation to be used for the purpose of this study.

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## 2.2.4 Defining regional parliaments

Traditionally, parliaments, both at institutional as well as individual member level have long been identified with and confined to intra-national or domestic politics, as a constitutional configuration of a separate government sphere and an institutional platform or voice of the people (Malamud & Stavridis, 2011). However, with global developments particularly, during the post-Cold War era, this has rapidly changed. Parliaments and parliamentarians have recently evolved to assume different and broader roles pitched at the international, in addition to the domestic level, particularly concerning regional institutions (Malamud & Stavridis, 2011:101).

Parliaments' influence or role at an international level is, by and large, frameable by three-distinct dimensions that differ as they relate to form and substance (Malamud & Stavridis, 2011). First, it is through their impact on foreign policy, and particularly through policy making changes beyond the nation state (Sabic, 2019: 200). Second, it is through their involvement in the practice of conducting polylateral diplomacy, and specifically, parliamentary diplomacy, through their involvement, among others, in peace building and conflict prevention programmes and operations (Malamud & Stavridis, 2011; & Sabic, 2019: 200). Third, it is through their focus and interest on supranational institution building forming through strengthening parliaments as representative bodies of international bodies, often regional organisations (Malamud & Stavridis, 2011).

What is noticeable in the literature read on specifically regional parliaments, is not only the fact that there are disagreements on the exact definition thereof but that the definitions of a regional parliament borrow heavily from input by scholars or researchers' multiple attempts to define broadly what international parliamentary institutions (IPIs) are. To a large extent, thus it is not uncommon to read of scholars defining regional parliaments interchangeably with IPIs. With this in mind, it is considered prudent therefore to perch the definition of a regional parliament against a background of scholarly conceptual discourse on what IPIs are.

**2.2.4.1 Definitional attempts of international parliamentary institutions**

Predictably, and consistent with general trends on scholarly conceptual definitions, there are varying scholarly definitional attempts at what IPIs are. Interestingly, not all interparliamentary networks, forums and associations which connect parliamentarians globally are defined as IPIs (Costa, Dri & Stavridis, 2013). There are literally hundreds of interparliamentary networks, forums and associations which connect parliamentarians globally that are transnational in institutional form but are excluded from the various definitional attempts at what IPIs are, for one reason or another (Schimmelfennig & Luineburg, 2020:1). Some of the reasons, according to Schimmelfennig & Luineburg (2020:1-2) their exclusion is their alleged lack of collegiality, insufficient institutionalisation, membership which includes non-parliamentarians who are not directly elected national parliaments.

There is a definitional attempt at international parliamentary institutions, which is traced to John Priestmanand, of the efforts by the Association of Secretaries General of Parliaments, and later in 1989 by Heinrich Klebes, who was the Clerk of the Parliamentary Assembly of the Council of Europe (Sabic, 2008: 257). It is based mainly on what IPIs are seen to be, with a level of defining categorisation based on whether they are associations, assemblies, or integrated assemblies (Cofelice, 2012:8). Klebes frames an assembly an international parliamentary institution made up of members whose election is either or facilitated by national parliaments, informed by an institutional interest to attain fair political representation (Cofelice, 2012:8). For Klebes, an association is an IPI whose members are appointed by their national parliaments without the fair political representation as a chief consideration (Cofelice, 2012:8).

Klebes' definitional attempt is criticised for its limitation to only how IPIs are constituted and the extent to which their members are a reflection of the political spectrum of their respective national parliaments (Cofelice, 2012:8). The post-1990 growth and expansion in the number of IPIs has necessitated the urgency of the task of reviewing the definition of IPIs (Sabic, 2008: 257). This has led to more definitional attempts generally associated with, among others, Cutler (2006), Sabic Zlatko (2018), and Costa et al (2013).

Cutler (2006:83 & 2001:209) defines an international parliamentary institution as, "an international institution that 1) is a regular forum for multilateral deliberations on an established

basis of an either legislative or consultative nature, 2) either attached to an international organization or itself constituting one, 3) in which at least three states or trans-governmental units are represented by parliamentarians, 4) who are either selected by national legislatures in a self-determined manner or popularly elected by electorates of the member states."

While Sabic Zlatko (2018:258) generally concurs with Cutler's categorisation of IPIs, he however discounts it as immaterial whether the aspect of the constitution and/or membership of IPIs is a reflection of the political spectrum of their respective national parliaments or not.

Zlatko (2018:258) sees IPIs as rather "institutions in which parliamentarians co-operate with a view to formulating their interests, adopting decisions, strategies or programs, which they implement or promote, formally and informally, in interactions with other actors, by various means such as persuasion, advocacy or institutional pressure."

Costa et al, (2013:17-18) define IPIs broadly as "international institutions of a parliamentary nature, whether legislative or consultative, which meet on a regular basis and in which members are selected either from their national legislatures or elected by the citizens of member states".

## 2.2.4.2 Defining regional parliamentary institutions

Sabic (2019:200), while accepting that there are various types of IPIs focussed on distinct policy areas, he singles out for importance the category of IPIs which are made of geographically delineated regional groupings, namely regional parliaments which are established at the level of regional integration.

The literature read on regional parliaments shows that the challenges that mark their definitions bear, to a large extent, similar resemblance with those characterising the definitions generally associated with international parliamentary institutions. What is also becoming clearer from the literature read on regional parliaments is that the latter, as the parliamentary arm of international, regional or supranational organizations, vary according to the mandates and roles assigned to them by the so-called, 'mother' regional organisations; are largely state-led, transnational, linked to a specific region defined beyond the confines of geography;

differentiated from other intergovernmental arrangements and are constituted by members directly or indirectly appointed by respective parliaments (European Commission, 201:18-19; Murithi, 2008; Terlinden, 2004; & Giesen, 2017:11).

Furthermore, not all of regional parliaments enjoy full legislative and oversight powers over the regional organisations they are attached to (Ogiyiumba, 2015:563). Depending on their assigned mandates, some regional parliaments are merely deliberative, consultative or advisory bodies with limited powers (Ogiyiumba, 2015:563). Further, their evolution is specific to socio-economic and historical contexts (Jancic, 2019:207). In Africa's case, socio-economic and historical context is specific to the economic and political regional integration project driven largely by the ideals of pan Africanism and democratisation (Terlinden, 2004:1; Musavengana, 2011; Jancic, 2019:207).

What is also clear in attempting to define regional parliaments is the fact the general scholarly definitional attempts at what international parliamentary institutions are, what constitutes a region, the meaning of regionalisation and particularly African regionalism, will also have to be borne in mind and, to a very large extent, treated as still relevant.

Borzel and Risse (2016:7) define regional parliamentary institutions (RPIs) as, "transnational organizations within a given, regionally confined geographical scope and with parliamentary principles of operation composed of at least some either directly or indirectly elected members". Their regional character is said to be predicated largely on them being positioned between the national and 'global scene', in a region defined as "social constructions that make references to territorial location and to geographical or normative contiguity (Borzel & Risse (2016:7); & Giesen (2017:11). Giesen (2017:11)

This definition builds on various approaches elaborated by various scholars and researchers, some of whom are Sabic (2008), Cofelice (2012), Costa et al (2013) and Rocabert et al (2014), who happen to be also actively involved in attempts to define what international parliamentary institutions are.

Costa et al (2013:18) define a regional parliamentary institution as, "a transnational parliamentary body with geographical basis, serving the goals of a regional organization or a regional policy with which it is often, but not always, institutionally linked".

There is also another definitional attempt advanced by the European Commission (2015:19-20) which sees regional parliaments as simply, "institutional branches of regional or sub-regional organizations, established through an intergovernmental agreement (either the same treaty as the international organisations they belong to, or a separate treaty), whose members may be appointed by national assemblies or directly elected to that office".

This study conceptualises regional parliaments, specifically in Africa, as transnational or international organisations, institutionally attached to regional or sub-regional organizations, categorised in various forms, with or without legislative powers, given effect to by an intergovernmental agreement, whose members are elected directly or indirectly by their respective domestic parliaments, and specifically tasked to assist Africa's regional integration project.

## 2.3 CONCLUSION

The chapter provided a theoretical and conceptual framework for the study. It set the framework against the backdrop of Africa's broader vision of the promotion of economic integration as a precondition for the continent's realisation of its envisioned goal of self-reliance and self-sustained development (Abuja Treaty, 1991:8). Located in the same backdrop is also the phenomenon of regional parliamentarisation in Africa, which is deemed an integral component of the continent's efforts of fostering socio-economic integration, democratic governance and political globalisation (Ogiyiumba, 2015:554; Nywosu, 2018:09 & Jancic, 2014:03).

The chapter gave an account of theoretical framework predicated on three dominant intuitionalist approaches, namely, international democracy approach, rational choice approach, and pan Africanism approach. The framework is, arguably, resonant with the value undergirding the objectives of regional parliaments in Africa. Equally resonant are also the four terms, terms identified for definition, which are 'regionalism', 'region', 'regionalisation and

'regional parliament'. They are regarded as defining the conceptual framework for the study and will be utilised in subsequent chapters. The following chapter provides an overview of the historical evolution of formal regionalisation in the Southern African region.

# CHAPTER THREE

# HISTORICAL EVOLUTION OF SOUTHERN AFRICAN DEVELOPMENT COMMUNITY AND THE STATUS OF ITS REGIONAL PARLIAMENT

## INTRODUCTION

The preceding chapter provided a theoretical and conceptual framework for the study. The chapter gave an account of theoretical framework predicated on three dominant intuitionalist approaches, namely, international democracy approach, rational choice approach, and pan Africanist approach. The four terms identified for definition were 'regionalism', 'region', 'regionalisation and 'regional parliament'. The concepts were defined by drawing from the wide array of existing scholarly orientations that characterise and underpin the conceptualisation and meaning of regionalism and the various types thereof, regionalisation, and regional parliaments. Importantly, an attempt was made to sharply bring in the African dimension to the definition of regionalism. This was done by acknowledging Africa's historical relationship with the phenomenon of regionalism.

The evaluation of regional parliaments, as a matter of specificity, was deliberately located against the backdrop of the advent of the largely post-globalisation phenomenon of the evolution of international parliaments. This was done to acknowledge and appreciate the interconnections and commonalities that seem to underpin the definition of regional parliaments as well as the international parliaments.

In relation to the current chapter, the study's main focus is on borrowing on the existing body of literature and data, in order to account, historically, for the evolution of the Southern African Development Community (SADC), including its underpinning principles, objectives and its Vision and Mission 2050, as well as the Regional Indicative Strategic Development Plan 2020-2030.

The study appreciates the fact that prior to the formation of SADCC in 1980, regionalisation efforts in the southern African region had largely been characterised and motivated by the "settler or colonial power interests" presided over by the South African government and its private sector allies (Oden, 1996:3). These were interests predicated on maintaining 'regional harmony' as a pretext for economic, political and military dominance (Hanlon, 1987:33). Representing an example of the institutional framework for, in particular, economic dominance are regional organisations, some of which date as far back as the nineteenth century, such as the Southern Africa Customs Union (SACU); the Common Monetary Area (CMA); and the Preferential Trade Area for Eastern and Southern Africa (Oden,1996:4).

Juxtaposed against the twenty first century trend of Africa's regional economic communities establishing their own regional parliaments, discussion on SADC does point out the fact that it is the only African regional economic community currently without its own formal regional parliament. The chapter further provides background information on the establishment of the SADC Parliamentary Forum, its objectives and institutional governance setup, whilst simultaneously clarifying the reasons why SADC-PF is not to be regarded as SADC's formal regional parliament.

In the absence of SADC's formal regional parliament, an evaluation is made of SADC's institutional framework underpinning its governance architecture. This is done with a deliberate view to establish whether SADC does have an alternative system of checks and balances that fills the void created by the absence of a formalised regional parliament. The chapter concludes by taking stock of the efforts to date undertaken by SADC towards the establishment of its own regional parliament.

## 3.1. Formation of SADCC and the advent of a new regionalisation model for the southern African region – 1980 to 1992

Prior to the formation of SADCC in 1980, regionalisation efforts in the southern African region had largely been characterised and motivated by the "settler or colonial power interests" presided over by the South African government and its private sector allies (Oden, 1996:3). These were interests predicated on maintaining 'regional harmony' as a pretext for economic, political and military dominance (Hanlon, 1987:33). Representing an example of the

institutional framework for, in particular, economic dominance are regional organisations, some of which date as far back as the nineteenth century, such as the Southern Africa Customs Union (SACU); the Common Monetary Area (CMA); and the Preferential Trade Area for Eastern and Southern Africa (Oden,1996:4).

Politically, the vehicle for the maintenance of 'regional harmony' was the institutional formation initiated by South Africa's Prime Minister John Vorster in 1977, the Constellation of Southern African States (CONSAS), initially made up of South Africa and its former allies, Malawi and Swaziland (now Eswatini) (Hanlon, 1987:333). CONSAS was an 'ambitious and grandiose' ploy to configure the regional relations in Southern Africa in a manner that would generate a self-serving approach to the economic and military interests of South Africa (Cammack, 1989:191). The concept of CONSAS was derived from the apartheid South African state's perception of a collective threat to the Southern African states of hostile Marxist invasion, and what it deemed as the unreliability of Western countries to support the Southern African region and a creation of a 'favourable regional environment suitable to her national political, military and economic interests' (Geldenhuys, 1981 and Cammack, 1989:191).

Through this regional approach, the apartheid South African state aimed at self-insulation against liberation movements like the African National Congress (ANC) who were attacking her from the neighbouring states, and ultimately used it as a springboard upon which to launch its economic and military dominance as a regional power (Cammack, 1989:191). The apartheid South African government planned to attain this through a well-calculated, state-coordinated and sponsored regional policy of destabilization of the neighbouring states (Cammack, 1989: 192). It also sought to use the envisioned regional relations as a means by which it could bust its growing isolation by the Western countries (Geldenhuys, 1981).

However, SA's dominance of regionalisation efforts in the southern African region started to show signs of slight waning with the attainment of political independence of Angola and Mozambique in 1975 (Hanlon, 1987:332). Yet, although opposed by the neighbouring states, South Africa's dominance in driving regionalisation efforts continued largely unchallenged until the point of the former Rhodesia's (now Zimbabwe) political independence under the leadership of the Zimbabwe African National Union (ZANU) in 1980 (Oden, 1996:13). Zimbabwe's political independence represented a major setback for South Africa's dominance

of regionalisation efforts in the southern African region, as it led to the formation of SADCC whose rhetorical framework for regionalisation was not only firmly predicated on the pan Africanist orientation and ideology of Africa's economic liberation, but also specifically on undoing the region's economic dependence on the apartheid South African state (Oden, 1996:13).

SADCC initially started as a loose and non-legal organized formation mainly aimed at realizing the political goal of national liberation in the Southern African region, fostering regional development through integration and thus reducing the region's economic dependence on the apartheid state of South Africa (Hanlon, 1987:333). It later morphed into a formal structure whose formation was largely given greater impetus by, among others, the political liberation of Mozambique and Angola in 1975, and more tellingly the advent in 1980 of majority rule in what was called Rhodesia, now Zimbabwe, together with the adoption of the Lagos Plan of Action in the same year (Hanlon, 1987:332; Nzewi, 2009:27).

On 01 April 1980, nine southern African states also known as the Frontline States (Botswana, Mozambique, Lesotho, Botswana, Malawi, Tanzania, Zimbabwe, Swaziland, and Angola) to the exclusion of apartheid South Africa, convened in a historic Summit held in Lusaka, Zambia under the banner, "Southern Africa: Towards economic liberation" and formed themselves into the Southern African Development Coordination Conference (SADCC) (Hanlon, 1987:333). The Summit was a follow-up session of the July 1979 Arusha meeting resolution taken by ministers from Angola, Botswana, Lesotho, Mozambique, Swaziland, United Republic of Tanzania and Zambia, tasked with the formation of SADCC and economic development of the southern African region (Evans,1984:2). The Lusaka Summit was also a direct response to the adoption of the 1980 Lagos Plan of Action, which gave substance to and further promoted the objective of continent-wide regional economic integration, as a vital blueprint for establishing the RECs in Africa, and consequently the Continental Economic Community (Daniels and Nagar, 2014:9).

Central to the formation of SADCC was a deeper appreciation and acknowledgement of the historical and infrastructural realities and constraints that defined and characterised the southern African region's socio-economic profile (SADCC MOU, 1981:2). This initative was an acknowledgement of the fact that the region inherited a colonial legacy of poor states with

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underdeveloped resources, gross deprivation of fundamental needs and access to services coupled with low levels of national production (SADCC MOU, 1981:2). It was also a concession to the fact that the region lacked basic prerequisites for economic development such as a large foreign exchange, relevant technologies and 'investible capital' (SADCC MOU, 1981:2). An appreciation of the region's lack of a broader and integrated transport system, and food security, which impact negatively on national development, constraints which, ultimately conspire to increase its cost importing and exporting goods and services. An admission that these constraints leave the SADCC member states highly dependent on and seen as the subsidiaries of the manipulative South Africa state (SADCC MOU, 1981:3).

Its constituent members viewed SADCC as an institutional attempt to configure regional cooperation whose character and purpose are concrete manifestations of the pan Africanist ideology, championed and given effect to by the region's people (SADCC MOU, 1981:4). Its formation heralded the advent of a new regionalisation model for the southern African region under the auspices of SADCC (SADCC MOU, 1981:4). A regionalisation model which importantly was predicated on the premise that the region was, at the point of the organisation's formation, in fact, disintegrated, grossly exploited and vulnerable to manipulation by foreign interests, and thus a coordinated attempt to liberate and reconstruct the region (SADCC MOU, 1981:4). A regionalisation model which marked a hostile dismissal of South Africa's sponsored regionalisation model as heavily skewed in her favour economically to the marginalisation of her neighbouring states and as a calculated ploy to sustain her economic dominance (SADCC MOU, 1981:3). A regionalisation model that, in essence, did not believe that South Africa's regionalisation efforts were in effect informed and shaped by the genuine imperative of developing the individual economies and the welfare of the people of the neighbouring states (SADCC MOU, 1981:3).

SADCC therefore envisaged a regionalisation model that contradicted and sought to undo the one spearheaded by South Africa. Although initiated by the nine Frontline States, the SADCC regionalisation model was open to all genuinely and politically independent states in the southern African region, with the exception of the apartheid South Africa (SADCC MOU, 1981:3-4). The model pinned the whole region's hope for a just and representative integration and cooperation on the prioritisation of economic liberation (SADCC MOU, 1981:3-4). It was premised on the pursuit of policies aimed at integrated economic development of the region

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through the unshackling the region's constituent states' economies from the stranglehold of South Africa's economic dominance (SADCC MOU, 1981:3-4). It was also informed by the political need for the continued advancement of the struggle for political independence of South Africa and Namibia from the racist minority rule (SADCC MOU, 1981:3-4).

### 3.1.1 Transition from SADCC to SADC

While the SADCC might have enjoyed some degree of success during its existence, particularly in terms of the growth of the projects it implemented, a set of factors and political developments towards the late 1980s, circumstances would, however, conspire, in one way or the other, to induce a review of the basis for regional cooperation among states within the southern African region, leading to the consequent review the SADCC's mandate and priorities (Mlambo, 2020:28). The changes included, among others, the changing geopolitical profile of the southern African region occasioned particularly by the political independence of Namibia and South Africa's move towards a negotiated political settlement, which marked an end of the region's era of conflict and confrontation led by South Africa's destabilisation strategy (Mlambo, 2020:28). The advent of globalisation and the end of Cold War hostilities coupled with the resultant move towards stronger regional blocs also played a critical role in the redefinition of the SADCC's strategic direction (SADC Report, 2005:23).

The discussions leading up to the 1991 Abuja Treaty had a direct and telling effect in steering the SADCC away from its original coordination role in terms of sectoral plans, programmes and infrastructure development towards ways and means geared towards the promotion of investment and production (Schoeman, 2002:5). Against this background, in 1989, the Summit of Heads of State or Government, meeting in Harare, Zimbabwe, decided that SADCC should be formalized to give it an appropriate legal status in the place of its founding MOU in a form of a legal instrument (SADC Report, 2005:24). Consequently, on August 17, in 1992, at a Summit held in Windhoek, Namibia, the Heads of State and Government signed the SADC Declaration and Treaty that effectively transitioned the Southern African Development Coordination Conference (SADCC) into the now Southern African Development Community (SADC Report, 2005:24).

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SADC was established under Article 2 of the SADC Treaty by SADC member states, represented by their respective Heads of State and Government, or duly authorized representatives, to spearhead economic integration of Southern Africa (SADC Treaty, 1992). The SADC Treaty sets out the main objectives of SADC which are, to achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the peoples of Southern Africa and support the socially disadvantaged through regional integration (SADC Treaty, 1992). These objectives are to be achieved through increased regional integration, built on democratic principles, and equitable and sustainable development (SADC Treaty, 1992).

## 3.2 Formation of Southern African Development Community – 1992 to date

The Southern African Development Community was officially formed on 17 August 1992, in Windhoek, Namibia, following the SADCC's Summit decision to approve a Report of the Council of Ministers, which recommended a reviewed institutional architecture and legal profile for the formalisation of the SADCC (SADC, 1992). The Report proposed a legal status for the SADCC in a form of a Treaty, and a Protocol and a reviewed governance and operations institutional framework, thus providing a revised basis upon which to create and support a regional economic community for the southern African region (SADC, 1992). The Report was a direct response to an instruction of the SADCC's Summit issued on 25 August 1989, tasking the Council to prepare for the formalisation of the SADCC, through the replacement of its founding MOU with either an 'Agreement', 'Charter', or 'Treaty'. Consistent with the changes, the name SADCC was replaced with, SADC in order to emphasise the element of the region as now framed as a community (SADC, 1992).

SADC was established under Article 2 of the SADC Treaty by SADC member states, represented by their respective Heads of State and Government, or duly authorized representatives, to spearhead economic integration of Southern Africa (SADC Treaty,1992). The SADC Treaty sets out the main objective of SADC as "to alleviate poverty with the ultimate objective of its eradication, through deeper regional integration and sustainable economic growth and development". The objective is to be achieved through increased regional integration, built on democratic principles, and equitable and sustainable development (SADC Treaty, 1992).

Article 3 of the SADC Treaty, which took effect on 05 October 1993, accords the SADC a legal status as an international organisation empowered with a defined legal personality and ability to enter into a legally binding contract, 'acquire, own or dispose of movable or immovable property and sue and be sued'. Also provided in the Treaty is, among others, an agreement framework in terms of protocols on various areas of integration, including a set of integration principles and objectives. The SADC Treaty, through its Declaration, further committed the southern African region to agree on a framework to inform how it was going to cooperate to provide for, among others, the following:

a) "deeper economic co-operation and integration, on the basis of balance, equity and mutual benefit, providing cross-border investment and trade and freer movement of factors of production, goods and services across national borders";

b) "common economic, political, social values and systems, enhancing enterprise and competitiveness, democracy and good governance, respect for the rule of law, and the guarantee of human rights, popular participation and alleviation of poverty"; and

c) "strengthened regional solidarity, peace and security, in order for the people of the region to live and work together in peace and harmony".

### 3.2.1 SADC Vision and Mission 2050

SADC has set itself a long term vision, otherwise known as SADC Vision 2050, which is predicated on three key pillars, namely, industrial development and market integration, infrastructure development in support of regional integration, and social and human capital development; all of which are envisaged to be built on the bedrock of peace, security, and good governance (SADC Vision 2050, 2020:2-3 & RISDP, 2020:12). Giving effect to SADC Vision 2050 is, equally, a long-term organisational mission, called Mission 2050, which aspires to bring about an enabling environment, through which, regional cooperation and integration could be fostered. Key to that is the aspired improvement in policy and programme implementation and deepening of levels of compliance by member states through the use of monitoring and assurance mechanisms (SADC Vision 2050, 2020:2-3). Both the SADC's Vision and Mission 2050 are enunciated in a manner that ensures their alignment to key global and continental frameworks, such as the United Nations' (UN) 2030 Agenda for Sustainable Development and the African Union's (AU) Agenda 2063 (RISDP, 2020:9).

## 3.3 Progress status with regards to the establishment of a SADC Parliament

Southern African Development Community is currently the only regional economic community in Africa without a Parliament. Although, SADC- PF does exist as an institution approved by the SADC in 1997, in terms of article 9 (2) of the SADC Treaty (as amended), its transformation into a SADC Parliament is yet to be realised (SADC–PF Stratplan, 2019: 4). The SADC Summit's commitment to transform it into the formalised SADC Parliament has been pending for over 16 years (SADC-PF, 2004).

On 16 March 2019, in Windhoek, Namibia the SADC Council of Ministers directed that a thorough analysis be carried out on the transformation of SADC PF into a SADC Parliament (SADC, 2019). The scope of the analysis would, among others, entail an advisory on the SADC Parliament's functions and powers; how it will internally, relate with structures of SADC, such as the Summit and SADC Administrative Tribunal, and externally, with Parliaments of member states, the continental body, the Pan African Parliament; a proposal on its international law obligations and financing mechanism (SADC, 2019). The Summit's 16 March 2019 direction arose from the resolution it took in August 2018 in Windhoek, directing the SADC Secretariat initiate an assessment of the feasibility of a proposal to convert the SADC-PF into a SADC Parliament (SADC, 2020)

On 18 August 2019, during the 39th Ordinary Summit of the Heads of State and Government of the Southern African Development Community held in Tanzania, the Summit mandated the Secretariat functionaries of both SADC and SADC-PF to come up with a model around which the SADC Parliament would be formed factoring its mandate, powers and functions (SADC, 2019). This was to be accompanied by an action plan detailing the process to be followed in transforming the SADC-PF into a SADC Parliament (SADC,2019).

Pursuant to the Summit direction, in March 2020, the SADC Secretariat issued a tender calling for expression of interest for a consultancy that would undertake an in-depth analysis and develop a design of the proposed SADC Parliament (SADC, 2020). The analysis would entail the following:

a) A review of the SADC Treaty, the SADC Parliamentary Constitution and Rules of Procedures as they relate the transformation process to ensure that the process is in line with the SADC Treaty;

b) A review of documents prepared in relation to the SADC-PF transformation proposal, specifically the Concept Note presented by the SADC-Parliamentary Forum, the Analytical Paper on the Transformation of the SADC-Parliamentary Forum into a SADC Parliament that was prepared by the SADC Secretariat and presented to Council in March 2019 and August 2019 and the statement made by the President of the SADC-Parliamentary Forum, as well as any other relevant literature available on the matter

c) An analysis of the legal instruments establishing the various regional parliaments, specifically, the European Parliament, the Association of South-East Asian Inter-Parliamentary Assembly, the Pan African Parliament, the ECOWAS Legislative Assembly and the East African Legislative Assembly, in order to inform the transformation of the SADC-Parliamentary Forum into SADC Parliament;

d) in view of (a) to (c), conduct an analysis of the functions and mandates, structures, inter- and intra-relationships with other branches of SADC institutions (Summit, Council and Tribunal in the trilogy arrangements), national Parliaments and the Pan African Parliament;

e) A full and comprehensive review and analysis of international law obligations of such regional parliament or parliamentary assembly;

f) A detailed analysis of financial implications of establishing such a regional parliament, and financing arrangements based on the experiences of others, to ensure sustainability and ownership;

g) An undertaking, in conjunction with the SADC Secretariat and the SADC PF Secretariat, of benchmarking missions and engage with various regional economic communities Secretariats like the European Commission, the African Union Commission, the East African Community Secretariat and the ECOWAS Secretariat in order to understand the modalities, financing arrangements, legal implications, with respect to the functioning and mandates of the regional parliaments; and

h) on the basis of issues from (a) to (g), development of a design of a model Parliament for SADC.

The outcome of the commissioned in-depth analysis is yet to be released to the public. This effectively means the status quo remains in relation to SADC not having its own parliament yet.

**3.4 The establishment of the SADC-Parliamentary Forum (PF)**

The SADC-PF was established in 1996 and approved by the SADC Summit of Heads of State and Government on 8th September 1997, in Blantyre, Malawi. It was approved in accordance with Article 9(2) of the SADC Treaty as a Parliamentary Consultative Assembly, harbouring the ambition of evolving, ultimately, into a SADC-Parliament (SADC–PF Stratplan, 2019: 16). The launch of SADC-PF was predicated on the imperative for an inter-parliamentary regional institution that can assist SADC with law making process and policy making administration. The Forum was envisioned not as a duplication of other parliamentary structures recorded globally but to be developed and informed by the peculiarity of the Southern African region and its specific requirements (SADC–PF Stratplan, 2019: 16).

Constituting SADC-PF are fifteen member parliaments from Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Malawi, Mauritius, Mozambique, Namibia, South, Africa, Seychelles, Swaziland, Tanzania, Zambia and Zimbabwe (SADC PF, 2021). The Forum lists as its collective intention to bring regional experiences to bear at the national level, to encourage best practices in the manner member parliaments view their role in the regional cooperation and integration project, as covered in the SADC Treaty and the Forum Constitution (SADC-PF, 2021). It also aims to serve as a platform for member parliaments and individual parliamentarians to advance and improve regional integration in the SADC region, through parliamentary involvement (SADC-PF, 2021).

Article 6 of the Forum's constitution lists as its objectives the following:

a) to strengthen the implementation capacity of SADC by involving Parliamentarians in the affairs of SADC;
b) to advocate the harmonisation, ratification, domestication and implementation of SADC Protocols, treaties and other decisions at the national level;

c) to promote the principles of human rights, democracy, peace and security, regional integration, human and social development, economic governance and gender equality through collective responsibility within the SADC Region;

d) to familiarise Parliamentarians of Member Parliaments with the objectives, priorities and decisions of SADC;

e) to provide a parliamentary perspective on issues affecting SADC countries;

f) to provide a Forum for discussion on matters of common interest to SADC; and

g) to promote cooperation with other parliamentary organisations and other stakeholders.

## 3.5 CONCLUSION

This chapter covered a historical account of SADC's evolution, as a framework for regionalisation efforts in the southern African region, including its underpinning principles, objectives, and Vision and Mission 2050. In doing so, the chapter also paid attention to the fact that prior to the formation of SADCC in 1980, regionalisation efforts in the southern African region had largely been characterised and motivated by the "settler or colonial power interests" presided over by the South African government and its private sector allies (Oden, 1996:3).

Juxtaposing against the twenty first century trend of Africa's regional economic communities establishing their own regional parliaments, discussion on SADC pointed out the fact that the latter is the only African regional economic community currently without its own formal regional parliament. Furthermore, background information was provided on the establishment of SADC-PF, its objectives and institutional governance setup whilst simultaneously clarifying the reasons why SADC-PF is not to be regarded as SADC's formal regional parliament.

In the absence of SADC's formal regional parliament, an evaluation was made of SADC's institutional framework underpinning its governance architecture. This was done with a deliberate view to establish whether SADC does have an alternative system of checks and balances that fills the void created by the absence of a formalised regional parliament. The chapter concluded by taking stock of the efforts to date undertaken by SADC towards the establishment of its own regional parliament. And not only that but to establish the locus of power and decision making within SADC governance setup. The chapter showed that while

the SADC Treaty accords the Council of Ministers; the Integrated Committee of Ministers; and the Organ on Politics, Defence, and Security some degree of power and responsibilities, the Treaty has, arguably, empowered the Summit with disproportionately more powers, compared to what the SADCC MOU provided for it (SADC, 1992). The Summit enjoys more powers according to Articles, 8, 16, 22, 33 and 36 of the Treaty than provided for under the founding SADCC MOU (SADC, 1992).

When the SADC Summit's disproportionate powers, coupled with the absence of a SADC parliament, are weighed against Africa's appreciation of regional parliaments as an integral component of its stated efforts of fostering socio-economic integration, democratic governance and political globalisation, the question is whether this constrains or advances SADC's regionalisation agenda (Ogiyiumba, 2015:554; Nywosu, 2018:09 & Jancic, 2014:03). Regional parliaments are meant to introduce checks and balances to the regionalisation process, the benefits of which, would ultimately strengthen and expedite economic integration and development, as well as encourage good governance, transparency and accountability (Ogiyiumba, 2015:554). This is done through regional parliaments assuming the role of legislative and democratic oversight functions of the regional economic communities that make up the African continent (Terlinden, 2004:01). They serve as key institutionalised instruments of oversight over policy making, thus undoing imbalances given rise to by the executive dominance (Jancic, 2019:206 & Franklin De Vrieze, 2015:08).

Based on this overview of the evolution of regionalisation in Southern Africa, the following chapter focuses on the opportunities and challenges inherent in a SADC regional parliament.

# CHAPTER FOUR

# POTENTIAL OPPORTUNITES AND CHALLENGES INHERENT IN A REGIONAL PALIAMENT FOR SADC

## INTRODUCTION

The fundamental objective behind this study is essentially to explore existing scholarly literature on the issue of Southern African Development Community (SADC) regional parliament, seeking to identify challenges and opportunities for regionalisation. To this effect, chapter three of this study provided background information on the historical evolution of the Southern African Development Community (SADC), including its underpinning principles, objectives, Vision and Mission 2050. This included information on what SADC says' about having its own regional parliament.

This chapter is devoted to highlighting, theoretically, the potential opportunities and challenges inherent in a regional parliament for an economic community like SADC. This will be done through an analysis of the role regional parliaments in Africa play in the regional economic integration space. The analysis will, in line with the study's theoretical framework, focus on what it is currently at the disposal of regional parliaments to use to bring in a system of democratic control and accountability within regional economic integration communities and consequently address the challenge of democratic deficit. This will be done through focussing on the extent to which regional parliaments are empowered to meaningfully address the efficiency and cost containment argument and a case for regional parliaments as catalysts in building the aspired shared African regional identity. The analysis will be limited to a focus on the following powers, functions and legal limitations of African regional parliaments, including the ability to assist in legal harmonisation:

- Advisory and Consultative powers;
- Legislative powers.
- Investigations/enquiries;
- Budgetary powers; and
- Legal harmonisation.

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Following the discussion of the aforementioned aspects, the chapter will consider the documented evidence of practical challenges faced by SADC in the absence of a regional parliament.

## 4.1 Powers, functions and legal limitations of African regional parliaments

African regional parliaments are intended to assume the legislative and democratic oversight functions of regional integration organisations (Terlinden, 2004:1). Thus, they carry the expectation inherent in all parliaments, which is to fulfil the functions of representation, deliberation, legislation and authorising revenue and expenditure, making and unmaking government, scrutiny, political recruitment and socialisation to democratic norms (Salih, 2013:153). But, how empowered are they to deliver on this expectations?

### 4.1.1 Advisory and consultative powers

Unlike that of the European Parliament, currently four of Africa's regional parliaments are still only limited to consultative and advisory capacity without any legislative powers (Salih, 2013: 150). They are functioning as shadow institutions to their respective regional economic bodies (Salih, 2013: 150. They enjoy the right or mandate to advise with respect to certain aspects of the founding Treaties of the respective economic integration communities to which they are connected (Terlinden, 2004:6). Their advisory role entails the right to debate, recommend, enquire or make proposals or even be consulted before decisions or actions could be taken on certain matters (Terlinden, 2004:6). This, however, does not guarantee that their recommendations or advices will be positively considered by the regional executive powers (Terlinden, 2004:6).

### 4.1.2 Legislative powers

In exploring the opportunities and challenges for regional integration through the medium of regional parliaments, this section considers two examples, viz (and then first give the full names before you start using the acronyms).

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### 4.1.2.1 ECOWAS-P and EALA

While arguments have been made been made to the effect that regional parliaments do not have the requisite legislative powers or instances where they have it, they are weak, the EALA and ECOWAS-P have however proved themselves an exception (Terlinden, 2004:6 and Amended ECOWAS Treaty, 2016). East African Legislative Assembly (EALA) and ECOWAS-P are accorded express formal law making powers (Terlinden, 2004:6; and Amended ECOWAS Treaty, 2016).

The EALA's core mandate is legislating on all matters relating to the Treaty's operationalisation (EAC Treaty, 1999: Article 49 (1)). The ECOWAS Treaty also recognises as the competence of ECOWAS-P to be involved in the enactment of all Community acts relating to the economic and monetary integration policies or the Treaty itself (Amended ECOWAS Treaty, 2016: Article 7). The ECOWAS-P's legislative mandate is strengthened further by the ECOWAS Treaty making it mandatory for ECOWAS-P to first assent to the revision of the Treaty or annexes, and adoption or review of all Community Acts relating to the Community's economic and monetary integration policies or the Treaty (Amended ECOWAS Treaty, 2016: Article 12).

To date, the EALA has enacted no less than 36 pieces of legislation and published and introduced no less than six private Members bills (EALA, 2021). Among the resolutions that EALA adopted for the implementation by the Council of Ministers was that of seeking to enforce the directive of the Summit to the effect that in matters pertaining to the participation in World Trade Organisation (WTO) and African, Caribbean and Pacific (ACP)/European Union (EU), the EAC partner states should negotiate as a bloc, adopted in May 2003 in line with Article 74 of the EAC Treaty (EALA, 2021).

### 4.1.3 Investigations/enquiries

### 4.1.3.1 ECOWAS-P and EALA

The ECOWAS-P is empowered to constitute committees of enquiry, if requested by no less than a quarter of its representatives (Amended ECOWAS Treaty, 2016: Article 36). It is also

empowered to ask the Community's Council of Ministers to submit proposals on matters that action is required (Amended ECOWAS Treaty, 2016: Article 37).

Both the EALA and ECOWAS-P enjoy the right to address parliamentary inquiries to their respective executives (Terlinden, 2004:7; and Amended ECOWAS Treaty, 2016: Article 33). When the ECOWAS Parliament observes any form of dysfunction in the performance of the tasks assigned to the program institutions of the Community, it can also intervene directly by putting a question to the affected Community institutions and refer the matter to the Council of Ministers (Amended ECOWAS Treaty, 2016: Article 33). The ECOWAS Parliament can also, at will, present questions it deems topical (Amended ECOWAS Treaty, 2016: Article 33).

So far, the EALA has asked a total of no less than fifty priority questions to the Ministers on the implementation of the Treaty, which were duly answered by the Council of Ministers (EALA, 2021). This is a clear demonstration by the EALA of the legitimizing role that regional parliaments could play in strengthening the economic regional integration agenda, when accorded real legislative powers.

### 4.1.4 Budgetary powers

### 4.1.4.1 ECOWAS-P

Parliaments play a key role in the system of budget checks and balances (Santiso, C and Varea, M. 2013). The budgetary oversight role is not only confined to just the debate and approval of annual budgets, but also in the proactive "analysis of fiscal reforms and their fiscal impact, auditing public spending, monitoring public investment, and ex post accountability for executing the budget" (Santiso, C and Varea, M. 2013).

Notwithstanding this, most of the regional parliaments such as REPAC and IPU-IGAD, are not adequately empowered to play their inherent budgetary oversight role (Terlinden, 2004:7). While SADC-PF and EALA are allowed to scrutinise and make recommendations on their respective Communities' budgets including audited accounts, they can only recommend (Terlinden, 2004:7). The same limitations apply to the Pan African Parliament's budgetary oversight role, effectively reducing it to a rubber stamp institution (Terlinden, 2004:7). The

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ECOWAS-P is however the commendable exception to this. ECOWAS does recognise budget as the competence of its Parliament to be involved in the adoption of the Community Budget (ECOWAS Amended Treaty, 2016: Article 17). Thus, the ECOWAS-P is accorded the budgetary power to adopt the Community budget so long it is deemed to be in line with the Treaty (Amended ECOWAS Treaty, 2016:17). ECOWAS-P also enjoys, in terms of Article 16 of the Treaty, unfettered financial independence in the use of its budget (Amended ECOWAS Treaty, 2016). ECOWAS-P is a torch-bearer in showing the real possibility of regional parliaments bringing into the regional economic community a system of democratic control and accountability in the area of budgeting and consequently address the perceived threat of democratic deficit (Cofelice, 2012:5).

**4.1.5 Legal harmonisation**

Despite the fact that most, if not all, of the regional economic integration communities' founding Treaties do contain provisions that allude to the need for a degree of coordination and domestication of regional policy and legislative implementation, addressing the issue of legal harmonisation remains elusive (Kamanga, 2018:75; SADC Annual Report, 2019-2020). For example, one of the main objectives behind the establishment of SADC is, reportedly, to harmonise political and socio-economic policies and plans of Member States (SADC Treaty, article 6 (1). SADC Treaty's Article 21 (1) and (2), ambitiously makes reference to Member States undertaking to foster regional development and integration, and refraining from taking any measure likely to jeopardise the sustenance of its principles, the achievement of its objectives and the implementation of the provisions of this Treaty.

Admittedly, there are many definitions of what practically constitutes legal harmonisation. However, Kamba (2007) defines it as an attempt to rid discord, and reconcile conflicting elements between the rules and effects of two legal systems, often by eliminating major differences. Among the efficiency benefits of legal harmonisation is containment of both specialist legal services and general transaction costs (Shumba, 2015). This, in turn, holds a to contribute positively to regional economic development and attract requisite foreign direct investment, which are key factors for poverty alleviation through economic growth (Shumba, 2015).

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While it is not a formal parliamentary arm of SADC, The SADC-PF has however developed a model instrument in the area of legal harmonisation, arguably, to be emulated by all regional parliaments. It has developed a multi-sectoral Model Law mechanism, intended to provide guidance to various stakeholders across the SADC region, on mainstreaming a number of pertinent policy issues, as a way of ensuring that commitments of SADC member states find expression in the national or domestic legislation. The multi-sectoral approach is also intended to guarantee, among others, that the voices of citizens are incooperated into decision making processes of the regional economic integration communities. So far, SADC-PF has, to her credit, produced, among others, the following ground-breaking legal harmonisation guidance tools:

- SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage;
- SADC Model Law on Elections;
- Model Law on HIV in Southern Africa; and
- Youth Development Policy Framework.

The work of SADC-PF resonates generally with the international democracy approach of clamouring for the democratisation of the international system, beyond the confines of the scope of equal sovereign states, and the rational choice approach of framing and positioning of regional parliaments as efficient choosers (Tieku, 2012:12). It also entrenches regional parliaments' as key agents in fostering and nurturing intraregional communication, consequently, contributing to building shared regional identity (Jancic, 2019:227).

## 4.2 Absence of a legitimising institution within SADC: challenges

Notwithstanding reported achievements here and there, SADC has admitted to experiencing serious challenges, which are consequently negatively impacting its regional economic integration agenda (SADC Annual Report, 2019-2020). A number of these challenges are discussed below.

**4.2.1 Implementation challenges**

Regional integration within the SADC is still 47 per cent from the desired target in terms of the five dimensions of the integration index, that is, trade integration, productive integration, regional infrastructure, free movement of people, and financial and macroeconomic integration (Africa Development Bank Group, 2019:1). The region's growth rate is still low, with the growth rate projection for 2020 hovering around 2.8 per cent (Africa Development Bank Group, 2019:1). Such slow growth does not augur well for a region with high poverty and unemployment levels (Africa Development Bank Group, 2019:22–24). Countries like Malawi and Madagascar are having challenges with integrating with the region (Africa Development Bank Group, 2019:31).

Currently, the SADC member states, led by SADC Summit members, are consistently failing to implement agreed policies and honour the commitments they make at a regional level (SADC, 2019). One of these commitments is to amend national laws and regulations in line with the agreed legal frameworks (SADC, 2019:83). The southern African region also recorded 20.4 per cent in 2017 of intra-regional trade, compared to the region's world trade in the same year (African Development Bank Group, 2019:29). With regional integration indices below 0.5 in 2016, the southern African region seems no nearer to the point of consolidating economic cooperation and integration (African Development Bank Group, 2019:30-31).

**4.2.2   Serious harmonisation challenges**

Notwithstanding the SADC having many Treaty provisions (Article 21(1) and (2), that talk specifically to the requirement for harmonisation of its political and socio-economic policies and plans of Member States, it still faces harmonisation challenges (SADC Annual Report, 2019-2020). While SADC also has, at her disposal, such instruments as protocols that are adopted at regional level, their successful implementation is still subject to their embrace at national level by responsible authorities (Shumba, 2015). That is due, in part, to the fact that SADC also does not have any institution competent to make directly binding regional laws (Shumba, 2015).

The outbreak of Covid-19 has worsened things further, with many member states forced to focus towards territorial integrity (SADC Annual Report, 2019-2020). The challenges, if left

unattended, are likely to jeopardise the sustenance of its principles, the achievement of its objectives and the implementation of the provisions of this Treaty.

### 4.2.3   Lack of infrastructure to prevent conflict

SADC further admits that its member states are yet to be able to develop and strengthen national infrastructure for peace in order to prevent potential conflict before it escalates (SADC Annual Report, 2019-2020). Furthermore, over four years since the first attack in Mozambique was launched by Islamist militants on 5 October 2017, SADC has proven itself unable to provide the requested assistance and support to fight against the terrorist insurgency in northern Mozambique (Vhumbunu, 2021). This ignores the fact that the terrorist insurgency in Mozambique is threatening to cause region-wide instability and insecurity, and SADC's own stated commitment, under Article 5 of the SADC Treaty of 1992, to promote peace and security (Vhumbunu, 2021).

### 4.2.4 Disproportionate power allocation to the Summit

In the absence of an SADC parliament, institutional oversight responsibility within the SADC is currently vested in the hands of the SADC Summit, an organ made up of all SADC heads of states or governments. The scope of the SADC Summit's oversight responsibility covers policy direction and control of functions of the community, ultimately making it the policymaking institution of the SADC (SADC, 2020). The organisation arguably lacks an oversight mechanism to hold the SADC Summit accountable for its choices, decisions and actions.

According to Article 10 of the SADC Treaty, the Summit is still made up of the Heads of State or Government and retains its authority as SADC's apex that steers SADC's policy direction and overall control of functions. It however now enjoys more powers according to Articles, 8, 16, 22, 33 and 36 of the Treaty than provided for under the founding SADCC MOU (SADC, 1992). According to Article 8 of the SADC Treaty, the Summit now not only admits new member states through unanimous decision, but also determines the procedure for their admission to the SADC Treaty. In terms of Article 16 of the SADC Treaty, the Summit also defines the composition, power, functions and procedure and other related matters governing the Tribunal. The approval of the Protocols for each member state before ratification by parties,

according to Article 22 of the SADC Treaty also falls within the purview of the Summit's powers. It also determines sanctions against any member state deemed to be acting against the principles and objectives of SADC policies, according to Article 33 (SADC Treaty, 1992). The Summit's powers, in terms of Article 36, also extend to deciding on the amendment of the SADC Treaty.

The apportionment of such powers to the Summit is reportedly premised on what the SADC Treaty says is the recognition of regional integration project's fundamental need for mechanisms wired for decision making at high level of political commitment, which is said, to imply further strengthening of the powers and ability of the regional decision makers, coordinating and executing bodies (SADC Treaty, 1992).

The powers attached to the Summit effectively make the latter the only organ of SADC empowered to make decisions, given the fact that the Council not only enjoys the power to recommend, but it is, in terms of Article 11 of the Treaty, also reporting and responsible to the Summit (Nyathi, 2017:176). Without the SADC Treaty providing for any mechanism for checks and balance and the normative value of the separation of powers, the Summit's powers are effectively unfettered, bar for the requirement of consensus or unanimity in its decision making (Nyathi, 2017:176).

## 4.3 CONCLUSION

This chapter was devoted to highlighting, theoretically, the potential opportunities and challenges inherent in a regional parliament for an economic community like SADC. This was done through an analysis of the role regional parliaments in Africa play in the regional economic integration space. The analysis solely focussed on what is currently at the disposal of regional parliaments to use to bring in a system of democratic control and accountability into their regional economic integration communities and consequently address the challenge of democratic deficit. This was done through a focus on the extent to which regional parliaments are empowered to meaningfully address the efficiency and cost containment argument and a case for regional parliaments as catalysts in building the aspired shared African regional identity. The way through which this was done, was on reviewing the powers, functions and legal limitations of African regional parliaments, including the latter's ability to assist in legal

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harmonisation. This was coupled with the documented evidence of practical challenges faced by SADC in the absence of a regional parliament.

Informed by the reported absence of a SADC parliament, as well as the listed opportunities and challenges inherent in regional parliaments, the following chapter offers a summary of the findings and reflects on these in the context of the central research question. It also identifies possible areas for further research and provides a number of policy recommendations for SADC as an organisation.

# CHAPTER FIVE

# CONCLUSION AND RECOMMENDATIONS

## INTRODUCTION

The purpose of this study was to address the primary question: what are the opportunities that a regional parliament inherently provides for an economic community like SADC in strengthening and supporting its regionalisation project? This was to be premised on the preliminary research assumption of the establishment of a regional parliament coming with inherent benefits for a regionalisation project of an economic community like SADC, and conversely, that the SADC's delays in convening its own regional parliament could have severely constrained its institutional and policy ability to establish the necessary checks and balances, because the SADC policy implementers are both policy formulators and implementers.

In the introductory chapter of this study, it was pointed out how regional parliamentarisation in Africa is intended to be an integral component of the continent's efforts of fostering socio-economic integration, democratic governance and political globalisation. Importantly, how regional parliamentarisation is meant to introduce checks and balances to the regionalisation process, the benefits of which, would ultimately strengthen and expedite economic integration and development, as well as encourage good governance, transparency and accountability. And that this was to be achieved through regional parliaments assuming the role of legislative and democratic oversight functions of the regional economic communities that make up the African continent. And serving as key institutionalised instruments of oversight over policy making, thus undoing imbalances given rise to by the executive dominance.

The introductory chapter also provided evidence showing Africa's rich and growing tapestry of a number of regional economic communities boasting their own regional parliaments, with SADC the only such a community in Africa without a regional Parliament.

Chapter two provided the study's theoretical framework and the definitions of the identified terms looking at the existing scholarship and what it says, importantly about the subject of regional parliaments. Chapter three provided background information on the historical

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evolution of the Southern African Development Community (SADC), including its underpinning principles, objectives, Vision and Mission 2050. This included information on what SADC says' about having its own regional parliament.

Chapter three of this study provided a historical account of SADC's evolution as a framework for regionalisation efforts in the southern African region, including its underpinning principles, objectives, and Vision and Mission 2050. The discussion on SADC pointed out the fact that the latter is the only African regional economic community currently without its own formal regional parliament. Although the SADC Parliamentary Forum (PF) does exist as an institution approved by the SADC in 1997 in terms of article 9 (2) of the SADC Treaty, it was said to only exist and function at this stage only as an independent association of parliamentarians. In the absence of SADC's formal regional parliament, an evaluation was made of SADC's institutional framework underpinning its governance architecture. This was done with a deliberate view to establish whether SADC does have an alternative system of checks and balances that fills the void created by the absence of a formalised regional parliament. The chapter concluded by taking stock of the efforts to date undertaken by SADC towards the establishment of its own regional parliament.

Chapter four of this study highlighted the potential opportunities and challenges inherent in a regional parliament for an economic community like SADC. This was done through an analysis of the role regional parliaments in Africa play in the regional economic integration space. The analysis, in line with the study's theoretical framework, focussed on what it is currently at the disposal of regional parliaments to use to bring in a system of democratic control and accountability within regional economic integration communities and consequently address the challenge of democratic deficit. This was done through focussing on the extent to which regional parliaments are empowered to meaningfully address the efficiency and cost containment argument and a case for regional parliaments as catalysts in building the aspired shared African regional identity. This was then juxtaposed with the documented evidence of practical challenges faced by SADC in the absence of a regional parliament.

Informed by the reported absence of a SADC parliament, as well as the listed potential opportunities and challenges inherent in regional parliaments, the following chapter offers a summary of the findings and reflecting on these in the context of the central research question.

It also identifies possible areas for further research and provides a number of policy recommendations for SADC as an organisation.

## 5.1 Summary of the key findings

Notwithstanding the ambitious objectives set in the Vision 2050, and aspirations of the Mission 2050, by SADC's own admission, chapter four of this study has found that the organisation is beset with serious implementation and harmonisation challenges, among others, which are negatively impacting its regional economic integration agenda. SADC's regional integration performance is still 47 per cent off from the desired target, with countries like Malawi and Madagascar still experiencing challenges with integrating with the region. The region's low growth rate also does not augur well for a region with high poverty and unemployment level.

Moreover, as highlighted in chapter four of this study, SADC has further acceded to the fact that its member states lack the requisite national infrastructure mechanism for sustaining peace and conflict prevention. The Islamist attacks in Mozambique have exposed SADC's weakness and vulnerability in intervening decisively in conflict situations, despite its stated regional commitment to promote peace and security.

It was also highlighted in chapter four of this study that SADC's challenges are, to a large extent, attributable to SADC member states, led by SADC Summit members, consistently failing to implement agreed policies and honour the commitments they make at a regional level. At the heart of SADC Summit members' implementation failures, is SADC's governance institutional arrangement or model, which is dominated by the Summit and currently features no space nor role for a regional parliament.

In the absence of a regional parliament, the Summit enjoys unfettered powers and is alone responsible for SADC's policy direction and overall control of her functions. Without the SADC Treaty providing for the democratic mechanism of checks and balance and the normative value of the separation of powers attached to regional parliaments, the Summit's powers remain unfettered and unchecked. The absence of a system of democratic control and accountability in these institutions culminates in a democratic deficit for the regional economic integration agenda.

The current SADC's governance institutional arrangement, was also found to stand in direct contradiction to the documented pattern of Africa's rich tapestry of regional parliamentarisation as envisioned by the Abuja Treaty through, in part, the establishment of the Pan African Parliament, and the attempts to elevate democracy and good governance at the heart of Africa's regional integration efforts entailed in the Declaration on Democracy, Political, Economic and Cooperative Governance of 2002.

Importantly, the absence of a SADC parliament effectively implies that the SADC regional integration project is largely state-centred and driven by the ruling elites and thus lacks broad participation by key stakeholders such as the legislatures and the communities they represent. More importantly, it also denies the southern African region the inherent the much-needed benefits that are said to go along with regional parliaments, as institutional embodiments of participatory democracy and carrier of the primary mandate of representing the people, law-making, and overseeing the work of the executive.

The negation of the critical role of a regional parliament, as an institutional representation of the voice of the people and their interests within SADC, further implies that SADC, an unelected institution, is currently directing national policy to the exclusion of the elected representatives of the people and parliaments, arguably resulting, in an undemocratic scenario which exposes the national context to the unchecked external influence and dictates. The absence of SADC parliament also denies SADC the benefits of 'transmission mechanism' for feedback to the executive on public policy and a means by which governments can explain and communicate their actions, which is a prerequisite for the legitimacy of her regional economic integration project.

## 5.2 Recommendations

The regional economic communities, EAC and ECOWAS, have demonstrated deeper appreciation of the value of regional parliaments and commitment to spirit and intent of the Abuja Treaty and the Declaration on Democracy, Political, Economic and Cooperative Governance, by setting near perfect models of regional parliaments with adequate institutional powers to effectively discharge their inherent functions. Thus, pursuant to SADC's reported resolution of 18 August 2019, of the 39th Ordinary Summit of the Heads of State and

Government, mandating the Secretariat functionaries of both SADC and SADC Parliamentary Forum to come up with a model around which the SADC Parliament would be formed, this study humbly recommends that the exercise look no further than the ECOWAS-P and EALA institutional models and the invaluable lessons that could be drawn from their practical execution of their allocated powers.

Importantly, this study further recommends that the SADC exercise that is meant to come up with a model regional parliament framework for SADC, as alluded to chapter three of this study, should also include a review of SADC's current governance architecture, particularly the disproportionate powers and functions allocated to the Summit. It is this study's considered opinion that unless that is done, the envisioned regional parliament for SADC will, arguably, follow the direction of the disempowered regional parliamentary models in Africa, only enjoying advisory powers such as the UEMOA and Network of Parliamentarians of the Economic Community of Central African States and thus adding no tangible value in furthering southern African regional economic integration agenda.

## 5.3 Future research

The outcome of the SADC Summit's commissioned work on the future model of SADC's regional parliament, referred to in chapter three of this study, is quite an interesting one. It is likely to unpack a lot about the SADC Summit's penchant and propensity for real and meaningful institutional change within SADC's governance architectural setup. Not only that, but the manner in which the SADC Summit eventually deals with the outcomes of the commissioned work will also demonstrate the true extent to which the Summit is prepared to forego its current disproportionate power and function allocations, for the attainment of the SADC's greater economic integration goals. It will also shed more light on the degree of value that the SADC Summit attaches to the regional parliamentarisation exercise.

Future research on SADC should thus be devoted mainly to SADC's institutional governance arrangement model and the extent to which it will hinder or assist the region's economic integration agenda. Additional to that, future research should also seek to scrutinise the aspect of capacitation of the future SADC regional parliament and the extent to which it will be

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adequately resourced, in terms of budget and support personnel, to effectively and efficiently discharge its oversight function.

Another area of interest for future research, is that of the future membership of the SADC regional parliament and the modalities around how it will be sourced and elected. Whatever SADC Summit settles for in this regard is, in my considered opinion, likely to impact the legitimacy status of the regional economic project.

## 5.4 Concluding remarks

The final chapter of this study has demonstrated how SADC, in the absence of its regional parliament, is battling serious implementation and harmonisation challenges, many of which could have been better addressed in the event she had her own regional parliament, in the mould of ECOWAS-P and EALA. Theoretically, it also pointed out how the current SADC governance arrangement, disproportionately dominated by the Summit, is not helping to address the democratic deficit resulting from the formation of SADC, thus leaving the latter with serious legitimacy issues.

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